



General Assembly

January Session, 2005

Raised Bill No. 1224

LCO No. 4026

* _____SB01224JUD____041505_____*

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PERMANENCY PLANS FOR CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-91 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 The Commissioner of Children and Families shall report, on
4 February fifteenth annually, to the Governor and to the joint standing
5 committees of the General Assembly having cognizance of matters
6 relating to human services, the judiciary and human rights and
7 opportunities, with respect to the status, (1) as of the January first
8 preceding, of all children committed to the commissioner's custody,
9 including in such report the date of commitment with respect to each
10 child, and (2) of the central registry and monitoring system established
11 in accordance with subsection [(d)] (c) of section 17a-110, as amended
12 by this act.

13 Sec. 2. Section 17a-110 of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2005*):

15 (a) As used in this section, "child" means a person under the age of

16 eighteen years; "foster child" means a child placed temporarily in a
17 home, pending permanent placement; "permanent home" means a
18 home for a child with the child's genetic or adoptive parents or the
19 child's legal guardian considered to be such child's permanent
20 residence; and "permanency placement services" means services that
21 are designed and rendered for the purpose of relocating a foster child
22 with such child's legal family or finding a permanent home for such
23 child, including, but not limited to, the following: (1) Treatment
24 services for the child and the genetic family; (2) preplacement
25 planning; (3) appropriate court proceedings to effect permanent
26 placement, including, but not limited to, the following: (A)
27 Termination of parental rights; (B) revocation of commitment; (C)
28 removal or reinstatement of guardianship; (D) temporary custody; (4)
29 recruitment and screening of permanent placement homes; (5) home
30 study and evaluation of permanent placement homes; (6) placement of
31 children in permanent homes; (7) postplacement supervision and
32 services to such homes following finalization of such placements in the
33 courts; and (8) other services routinely performed by caseworkers
34 doing similar work in the Department of Children and Families.

35 [(b) At a hearing held in accordance with subsection (k) of section
36 46b-129 and section 17a-111b, the court shall determine the
37 appropriateness of continuing efforts to reunify a child with the child's
38 family. If the court finds that such efforts are not appropriate, the
39 Department of Children and Families shall within sixty days of such
40 finding either (1) file a petition for the termination of parental rights,
41 (2) file a motion to revoke the commitment and vest the custody and
42 guardianship of the child on a permanent or long-term basis in an
43 appropriate individual or couple, or (3) file a written permanency plan
44 with the court for permanent or long-term foster care, which plan shall
45 include an explanation of the reason that neither termination of
46 parental rights nor custody and guardianship is appropriate for the
47 child. The court shall promptly convene a hearing for the purpose of
48 reviewing such written plan. When the court finds that the efforts to
49 reunify a child with the child's family are not appropriate, the

50 department shall use its best efforts to maintain such child in the initial
51 out-of-home placement, provided the department determines that such
52 placement is in the best interests of the child, until such time as a
53 permanent home for the child is found or the child is placed for
54 adoption. If the permanency plan calls for placing the child for
55 adoption or in some other permanent home, good faith efforts shall be
56 made to place the child for adoption or in some other alternative
57 home.]

58 [(c)] (b) Not later than January 1, 2000, the Department of Children
59 and Families shall adopt regulations, in accordance with chapter 54, to
60 establish standards for permanency plans which shall include, but not
61 be limited to: (1) Assessment of kin, foster parents or other potential
62 adoptive parents for adopting a child; (2) preparing children for
63 adoption; (3) collaboration between family foster care services and
64 adoption services; (4) transracial and cross-racial adoption; (5) open
65 adoption; and (6) foster care and adoption subsidies.

66 [(d)] (c) Not later than January 1, 2000, the Department of Children
67 and Families shall, within available appropriations, establish and
68 maintain (1) a central registry of all children for whom a permanency
69 plan has been formulated and in which adoption is recommended, and
70 (2) a system to monitor the progress in implementing the permanency
71 plan for such children.

72 [(e)] (d) Whenever the Commissioner of Children and Families
73 deems it necessary or advisable in order to carry out the purposes of
74 this section, the commissioner may contract with any private
75 child-placing agency, as defined in section 45a-707, for a term of not
76 less than three years and not more than five years, to provide any one
77 or more permanency placement services on behalf of the Department
78 of Children and Families. Whenever any contract is entered into under
79 this section which requires private agencies to perform casework
80 services, such as the preparation of applications and petitions for
81 termination of parental rights, guardianship or other custodial matters,

82 or which requires court appearances, the Attorney General shall
83 provide legal services for the Commissioner of Children and Families
84 notwithstanding that some of the services have been performed by
85 caseworkers of private agencies, except that no such legal services shall
86 be provided unless the Commissioner of Children and Families is a
87 legal party to any court action hereunder.

88 ~~[(f)]~~ (e) The Commissioner of Children and Families may accept
89 funds from any source to implement the provisions of this section.

90 Sec. 3. Section 17a-111b of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective October 1, 2005*):

92 (a) The Commissioner of Children and Families shall make
93 reasonable efforts to reunify the parent with the child (1) unless the
94 court determines that such efforts are not required pursuant to
95 subsection (b) of this section or subsection (j) of section 17a-112, as
96 amended by this act, or (2) until the court has approved a permanency
97 plan other than reunification pursuant to subsection (k) of section 46b-
98 129, as amended by this act.

99 ~~[(a)]~~ (b) The Commissioner of Children and Families or any other
100 party may, at any time, petition the court for a determination [on
101 whether] that reasonable efforts to reunify the parent with the child are
102 [appropriate] not required. The court shall hold an evidentiary hearing
103 on the petition within thirty days of the filing of the petition. The court
104 may determine that such efforts are not [appropriate] required if the
105 court finds upon clear and convincing evidence that: (1) The parent has
106 subjected the child to the following aggravated circumstances: (A) The
107 child has been abandoned, as defined in subsection (j) of section 17a-
108 112, as amended by this act; or (B) the parent has inflicted sexual
109 molestation or exploitation or severe physical abuse on the child or
110 engaged in a pattern of abuse of the child; (2) the parent has killed,
111 through deliberate, nonaccidental act, another child of the parent or a
112 sibling of the child, or has [required] requested, commanded,
113 importuned, attempted, conspired or solicited to commit the killing of

114 the child, another child of the parent or sibling of the child, or has
 115 committed an assault, through deliberate, nonaccidental act, that
 116 resulted in serious bodily injury of the child, another child of the
 117 parent or a sibling of the child; (3) the parental rights of the parent to a
 118 sibling have been involuntarily terminated within three years of the
 119 filing of a petition pursuant to this section, provided the commissioner
 120 has made reasonable efforts to reunify the parent with the child during
 121 a period of at least [ninety] sixty days; (4) the parent was convicted by
 122 a court of competent jurisdiction of sexual assault, except a conviction
 123 of a violation of section 53a-71 or 53a-73a resulting in the conception of
 124 the child; or (5) the child was placed in the care and control of the
 125 commissioner pursuant to the provisions of sections 17a-57 to 17a-61,
 126 inclusive.

127 [(b)] (c) If the court [determined] determines that such efforts are
 128 not [appropriate] required, the court shall, at such hearing or at a
 129 hearing held not later than thirty days from such determination,
 130 approve a permanency plan for such child. [which] Such plan may
 131 include (1) adoption and a requirement that the commissioner file a
 132 petition to terminate parental rights, (2) long-term foster care [,
 133 independent living] with a relative licensed as a foster parent or
 134 certified as a relative caregiver, (3) transfer of guardianship, or
 135 [adoption] (4) such other planned permanent living arrangement
 136 ordered by the court, provided the commissioner has documented a
 137 compelling reason why it would not be in the best interests of the child
 138 for the permanency plan to include the goals in subdivisions (1) to (3),
 139 inclusive, of this subsection. The child's health and safety shall be of
 140 paramount concern in formulating such plan.

141 (d) If the court determines that reasonable efforts to reunify the
 142 parent with the child are not required, the Department of Children and
 143 Families shall use its best efforts to maintain such child in the initial
 144 out-of-home placement, provided the department determines that such
 145 placement is in the best interests of the child, until such time as a
 146 permanent home for the child is found or the child is placed for

147 adoption. If the permanency plan calls for placing the child for
148 adoption or in some other permanent home, good faith efforts shall be
149 made to place the child for adoption or in some other permanent
150 home.

151 Sec. 4. Subsection (j) of section 17a-112 of the general statutes is
152 repealed and the following is substituted in lieu thereof (*Effective*
153 *October 1, 2005*):

154 (j) The Superior Court, upon [hearing and] notice and hearing as
155 provided in sections 45a-716 and 45a-717, may grant a petition filed
156 pursuant to this section if it finds by clear and convincing evidence (1)
157 that the Department of Children and Families has made reasonable
158 efforts to locate the parent and to reunify the child with the parent in
159 accordance with subsection (a) of section 17a-111b, as amended by this
160 act, unless the court finds in this proceeding that the parent is unable
161 or unwilling to benefit from reunification efforts, provided such
162 finding is not required if the court has determined at a hearing
163 pursuant to [subsection (b) of section 17a-110 or] section 17a-111b, as
164 amended by this act, that such efforts are not [appropriate] required,
165 (2) that termination is in the best interest of the child, and (3) that: (A)
166 The child has been abandoned by the parent in the sense that the
167 parent has failed to maintain a reasonable degree of interest, concern
168 or responsibility as to the welfare of the child; (B) the child (i) has been
169 found by the Superior Court or the Probate Court to have been
170 neglected or uncared for in a prior proceeding, or (ii) is found to be
171 neglected or uncared for and has been in the custody of the
172 commissioner for at least fifteen months and the parent of such child
173 has been provided specific steps to take to facilitate the return of the
174 child to the parent pursuant to section 46b-129, as amended by this act,
175 and has failed to achieve such degree of personal rehabilitation as
176 would encourage the belief that within a reasonable time, considering
177 the age and needs of the child, such parent could assume a responsible
178 position in the life of the child; (C) the child has been denied, by reason
179 of an act or acts of parental commission or omission including, but not

180 limited to, sexual molestation or exploitation, severe physical abuse or
 181 a pattern of abuse, the care, guidance or control necessary for the
 182 child's physical, educational, moral or emotional well-being.
 183 Nonaccidental or inadequately explained serious physical injury to a
 184 child shall constitute prima facie evidence of acts of parental
 185 commission or omission sufficient for the termination of parental
 186 rights; (D) there is no ongoing parent-child relationship, which means
 187 the relationship that ordinarily develops as a result of a parent having
 188 met on a day-to-day basis the physical, emotional, moral and
 189 educational needs of the child and to allow further time for the
 190 establishment or reestablishment of such parent-child relationship
 191 would be detrimental to the best interest of the child; (E) the parent of
 192 a child under the age of seven years who is neglected or uncared for,
 193 has failed, is unable or is unwilling to achieve such degree of personal
 194 rehabilitation as would encourage the belief that within a reasonable
 195 period of time, considering the age and needs of the child, such parent
 196 could assume a responsible position in the life of the child and such
 197 parent's parental rights of another child were previously terminated
 198 pursuant to a petition filed by the Commissioner of Children and
 199 Families; (F) the parent has killed, through deliberate, nonaccidental
 200 act, another child of the parent or a sibling of the child residing in the
 201 parent's household, or has requested, commanded, importuned,
 202 attempted, conspired or solicited such killing, or has committed an
 203 assault, through deliberate, nonaccidental act, that resulted in serious
 204 bodily injury of another child of the parent or a sibling of the child
 205 residing in the parent's household; or (G) the parent was convicted as
 206 an adult or a delinquent by a court of competent jurisdiction of a
 207 sexual assault resulting in the conception of the child, except a
 208 conviction for a violation of section 53a-71 or 53a-73a, provided the
 209 court may terminate such parent's parental rights to such child at any
 210 time after such conviction.

211 Sec. 5. Subsection (o) of section 17a-112 of the general statutes is
 212 repealed and the following is substituted in lieu thereof (*Effective*
 213 *October 1, 2005*):

214 (o) In the case where termination of parental rights is granted, the
 215 guardian of the person or statutory parent shall report to the court
 216 within thirty days of the date judgment is entered on a case plan, as
 217 defined by the federal Adoption Assistance and Child Welfare Act of
 218 1980, for the child which shall include measurable objectives and time
 219 schedules. At least every three months thereafter, such guardian or
 220 statutory parent shall make a report to the court on the progress made
 221 on implementation of the plan. The court may convene a hearing upon
 222 the filing of a report and shall convene and conduct a permanency
 223 hearing pursuant to subsection (k) of section 46b-129, as amended by
 224 this act, for the purpose of reviewing the permanency plan for the
 225 child no more than twelve months from the date judgment is entered
 226 or from the date of the last permanency hearing held pursuant to said
 227 subsection, [(k) of section 46b-129,] whichever is earlier, and at least
 228 once a year thereafter [until the court determines that the adoption
 229 plan has become finalized] while the child remains in the custody of
 230 the Commissioner of Children and Families. For children where the
 231 commissioner has determined that adoption is appropriate, the report
 232 on the implementation of the plan shall include a description of the
 233 reasonable efforts the department is taking to promote and expedite
 234 the adoptive placement and to finalize the adoption of the child,
 235 including documentation of child specific recruitment efforts. At such
 236 hearing, the court shall determine whether the department has made
 237 reasonable efforts to achieve the permanency plan. If the court
 238 determines that the department has not made reasonable efforts to
 239 place a child in an adoptive placement or that reasonable efforts have
 240 not resulted in the placement of the child, the court may order the
 241 Department of Children and Families, within available appropriations,
 242 to contract with a child-placing agency to arrange for the adoption of
 243 the child. The department, as statutory parent, shall continue to
 244 provide care and services for the child while a child-placing agency is
 245 arranging for the adoption of the child.

246 Sec. 6. Section 46b-129 of the general statutes is repealed and the
 247 following is substituted in lieu thereof (*Effective October 1, 2005*):

248 (a) Any selectman, town manager, or town, city [,] or borough
249 welfare department, any probation officer, or the Commissioner of
250 Social Services, the Commissioner of Children and Families or any
251 child-caring institution or agency approved by the Commissioner of
252 Children and Families, a child or such child's representative or
253 attorney or a foster parent of a child, having information that a child or
254 youth is neglected, uncared-for or dependent, may file with the
255 Superior Court which has venue over such matter a verified petition
256 plainly stating such facts as bring the child or youth within the
257 jurisdiction of the court as neglected, uncared-for [,] or dependent,
258 within the meaning of section 46b-120, the name, date of birth, sex [,]
259 and residence of the child or youth, the name and residence of such
260 child's parents or guardian, and praying for appropriate action by the
261 court in conformity with the provisions of this chapter. Upon the filing
262 of such a petition, except as otherwise provided in subsection (k) of
263 section 17a-112, the court shall cause a summons to be issued requiring
264 the parent or parents or the guardian of the child or youth to appear in
265 court at the time and place named, which summons shall be served not
266 less than fourteen days before the date of the hearing in the manner
267 prescribed by section 46b-128, and said court shall further give notice
268 to the petitioner and to the Commissioner of Children and Families of
269 the time and place when the petition is to be heard not less than
270 fourteen days prior to the hearing in question.

271 (b) If it appears from the specific allegations of the petition and
272 other verified affirmations of fact accompanying the petition and
273 application, or subsequent thereto, that there is reasonable cause to
274 believe that (1) the child or youth is suffering from serious physical
275 illness or serious physical injury or is in immediate physical danger
276 from the child's or youth's surroundings, and (2) that as a result of said
277 conditions, the child's or youth's safety is endangered and immediate
278 removal from such surroundings is necessary to ensure the child's or
279 youth's safety, the court shall either (A) issue an order to the parents or
280 other person having responsibility for the care of the child or youth to
281 appear at such time as the court may designate to determine whether

282 the court should vest in some suitable agency or person the child's or
283 youth's temporary care and custody pending disposition of the
284 petition, or (B) issue an order ex parte vesting in some suitable agency
285 or person the child's or youth's temporary care and custody. A
286 preliminary hearing on any ex parte custody order or order to appear
287 issued by the court shall be held within ten days from the issuance of
288 such order. The service of such orders may be made by any officer
289 authorized by law to serve process, or by any probation officer
290 appointed in accordance with section 46b-123, investigator from the
291 Department of Administrative Services, state or local police officer or
292 indifferent person. Such orders shall include a conspicuous notice to
293 the respondent written in clear and simple language containing at least
294 the following information: (i) That the order contains allegations that
295 conditions in the home have endangered the safety and welfare of the
296 child or youth; (ii) that a hearing will be held on the date on the form;
297 (iii) that the hearing is the opportunity to present the parents' position
298 concerning the alleged facts; (iv) that an attorney will be appointed for
299 parents who cannot afford an attorney; (v) that such parents may
300 apply for a court-appointed attorney by going in person to the court
301 address on the form and are advised to go as soon as possible in order
302 for the attorney to prepare for the hearing; and (vi) if such parents
303 have any questions concerning the case or appointment of counsel, any
304 such parent is advised to go to the court or call the clerk's office at the
305 court as soon as possible. Upon application for appointed counsel, the
306 court shall promptly determine eligibility and, if the respondent is
307 eligible, promptly appoint counsel. The expense for any temporary
308 care and custody shall be paid by the town in which such child or
309 youth is at the time residing, and such town shall be reimbursed
310 therefor by the town found liable for the child's or youth's support,
311 except that where a state agency has filed a petition pursuant to the
312 provisions of subsection (a) of this section, the agency shall pay such
313 expense. The agency shall give primary consideration to placing the
314 child or youth in the town where such child or youth resides. The
315 agency shall file in writing with the clerk of the court the reasons for

316 placing the child or youth in a particular placement outside the town
317 where the child or youth resides. Upon issuance of an ex parte order,
318 the court shall provide to the commissioner and the parent or guardian
319 specific steps necessary for each to take to address the ex parte order
320 for the parent or guardian to retain or regain custody of the child or
321 youth. Upon the issuance of such order, or not later than sixty days
322 after the issuance of such order, the court shall make a determination
323 whether the Department of Children and Families made reasonable
324 efforts to keep the child or youth with his or her parents or guardian
325 prior to the issuance of such order and, if such efforts were not made,
326 whether such reasonable efforts were not possible, taking into
327 consideration the child's or youth's best interests, including the child's
328 or youth's health and safety.

329 (c) In any proceeding under this section, any grandparent of the
330 child may make a motion to intervene and the court shall grant such
331 motion except for good cause shown. Upon the granting of such
332 motion, such grandparent may appear by counsel or in person.

333 (d) The preliminary hearing on the order of temporary custody or
334 order to appear or the first hearing on a petition filed pursuant to
335 subsection (a) of this section shall be held in order for the court to: (1)
336 Advise the parent or guardian of the allegations contained in all
337 petitions and applications that are the subject of the hearing; (2) assure
338 that an attorney, and where appropriate, a separate guardian ad litem
339 has been appointed to represent the child or youth in accordance with
340 [section] sections 46b-129a and [section] 46b-136; (3) upon request,
341 appoint an attorney to represent the respondent when the respondent
342 is unable to afford representation, as determined by the court; (4)
343 advise the parent or guardian of the right to a hearing on the petitions
344 and applications, to be held within ten days from the date of the
345 preliminary hearing if the hearing is pursuant to an order of temporary
346 custody or an order to show cause; (5) accept a plea regarding the truth
347 of such allegations; (6) make any interim orders, including visitation,
348 that the court determines are in the best interests of the child or youth.

349 The court, after a hearing pursuant to this subsection, shall order
350 specific steps the commissioner and the parent or guardian shall take
351 for the parent or guardian to regain or to retain custody of the child or
352 youth; (7) take steps to determine the identity of the father of the child
353 or youth, including ordering genetic testing, if necessary, and order
354 service of the petition and notice of the hearing date, if any, to be made
355 upon him; (8) if the person named as the father appears, and admits
356 that he is the father, provide him and the mother with the notices
357 which comply with section 17b-27 and provide them with the
358 opportunity to sign a paternity acknowledgment and affirmation on
359 forms which comply with section 17b-27. [These] Such documents
360 shall be executed and filed in accordance with chapter 815y and a copy
361 delivered to the clerk of the superior court for juvenile matters; and (9)
362 in the event that the person named as a father appears and denies that
363 he is the father of the child or youth, advise him that he may have no
364 further standing in any proceeding concerning the child, and either
365 order genetic testing to determine paternity or direct him to execute a
366 written denial of paternity on a form promulgated by the Office of the
367 Chief Court Administrator. Upon execution of such a form by the
368 putative father, the court may remove him from the case and afford
369 him no further standing in the case or in any subsequent proceeding
370 regarding the child or youth until such time as paternity is established
371 by formal acknowledgment or adjudication in a court of competent
372 jurisdiction.

373 (e) If any parent or guardian fails, after service of such order, to
374 appear at the preliminary hearing, the court may enter or sustain an
375 order of temporary custody.

376 (f) Upon request, or upon its own motion, the court shall schedule a
377 hearing on the order for temporary custody or the order to show cause
378 to be held within ten days from the date of the preliminary hearing.
379 Such hearing shall be held on consecutive days except for compelling
380 circumstances or at the request of the parent or guardian.

381 (g) At a contested hearing on the order for temporary custody or
382 order to appear, credible hearsay evidence regarding statements of the
383 child or youth made to a mandated reporter or to a parent may be
384 offered by the parties and admitted by the court upon a finding that
385 the statement is reliable and trustworthy and that admission of such
386 statement is reasonably necessary. A signed statement executed by a
387 mandated reporter under oath may be admitted by the court without
388 the need for the mandated reporter to appear and testify unless called
389 by a respondent or the child, provided the statement: (1) Was provided
390 at the preliminary hearing and promptly upon request to any counsel
391 appearing after the preliminary hearing; (2) reasonably describes the
392 qualifications of the reporter and the nature of his contact with the
393 child; and (3) contains only the direct observations of the reporter, and
394 statements made to the reporter that would be admissible if the
395 reporter were to testify to them in court and any opinions reasonably
396 based thereupon. If a respondent or the child gives notice at the
397 preliminary hearing that he intends to cross-examine the reporter, the
398 person filing the petition shall make the reporter available for such
399 examination at the contested hearing.

400 (h) If any parent or guardian fails, after due notice of the hearing
401 scheduled pursuant to subsection (g) of this section and without good
402 cause, to appear at the scheduled date for a contested hearing on the
403 order of temporary custody or order to appear, the court may enter or
404 sustain an order of temporary custody.

405 (i) When a petition is filed in said court for the commitment of a
406 child or youth, the Commissioner of Children and Families shall make
407 a thorough investigation of the case and shall cause to be made a
408 thorough physical and mental examination of the child or youth if
409 requested by the court. The court after hearing may also order a
410 thorough physical or mental examination, or both, of a parent or
411 guardian whose competency or ability to care for a child or youth
412 before the court is at issue. The expenses incurred in making such
413 physical and mental examinations shall be paid as costs of

414 commitment are paid.

415 (j) Upon finding and adjudging that any child or youth is uncared-
416 for, neglected or dependent, the court may commit such child or youth
417 to the Commissioner of Children and Families. Such commitment shall
418 remain in effect until further order of the court, [pursuant to the
419 provisions of subsection (k) of this section,] provided such
420 commitment may be revoked or parental rights terminated at any time
421 by the court, or the court may vest such child's or youth's care and
422 personal custody in any private or public agency which is permitted
423 by law to care for neglected, uncared-for or dependent children or
424 youth or with any person or persons found to be suitable and worthy
425 of such responsibility by the court. The court shall order specific steps
426 which the parent must take to facilitate the return of the child or youth
427 to the custody of such parent. The commissioner shall be the guardian
428 of such child or youth for the duration of the commitment, provided
429 the child or youth has not reached the age of eighteen years or, in the
430 case of a child or youth in full-time attendance in a secondary school, a
431 technical school, a college or a state-accredited job training program,
432 provided such child or youth has not reached the age of twenty-one
433 years, by consent of such youth, or until another guardian has been
434 legally appointed, and in like manner, upon such vesting of the care of
435 such child or youth, such other public or private agency or individual
436 shall be the guardian of such child or youth until such child or youth
437 has reached the age of eighteen years or, in the case of a child or youth
438 in full-time attendance in a secondary school, a technical school, a
439 college or a state-accredited job training program, until such child or
440 youth has reached the age of twenty-one years or until another
441 guardian has been legally appointed. Said commissioner may place
442 any child or youth so committed to the commissioner in a suitable
443 foster home or in the home of a person related by blood to such child
444 or youth or in a licensed child-caring institution or in the care and
445 custody of any accredited, licensed or approved child-caring agency,
446 within or without the state, provided a child shall not be placed
447 outside the state except for good cause and unless the parents or

448 guardian of such child are notified in advance of such placement and
449 given an opportunity to be heard, or in a receiving home maintained
450 and operated by the Commissioner of Children and Families. In
451 placing such child or youth, said commissioner shall, if possible, select
452 a home, agency, institution or person of like religious faith to that of a
453 parent of such child or youth, if such faith is known or may be
454 ascertained by reasonable inquiry, provided such home conforms to
455 the standards of said commissioner and the commissioner shall, when
456 placing siblings, if possible, place such children together. As an
457 alternative to commitment, the court may place the child or youth in
458 the custody of the parent or guardian with protective supervision by
459 the Commissioner of Children and Families subject to conditions
460 established by the court. Upon the issuance of an order committing the
461 child or youth to the Commissioner of Children and Families, or not
462 later than sixty days after the issuance of such order, the court shall
463 make a determination whether the Department of Children and
464 Families made reasonable efforts to keep the child or youth with his or
465 her parents or guardian prior to the issuance of such order and, if such
466 efforts were not made, whether such reasonable efforts were not
467 possible, taking into consideration the child's or youth's best interests,
468 including the child's or youth's health and safety.

469 (k) (1) Nine months after placement of the child or youth in the care
470 and custody of the commissioner pursuant to a voluntary placement
471 agreement, or removal of a child or youth pursuant to section 17a-101g
472 or an order issued by a court of competent jurisdiction, whichever is
473 earlier, the commissioner shall file a motion for review of a
474 permanency plan. [and to maintain or revoke the commitment.] Nine
475 months after a permanency plan has been approved by the court
476 pursuant to this subsection, the commissioner shall file a motion for
477 review of the permanency plan. [and to maintain or revoke the
478 commitment.] Any party seeking to oppose the commissioner's
479 permanency plan [or the maintaining or revocation of commitment]
480 shall file a motion in opposition within thirty days after the filing of
481 the commissioner's motion for review of the permanency plan. [and to

482 maintain or revoke commitment] which motion shall include the
 483 reason therefor. A permanency hearing on any motion for review of
 484 the permanency plan [and to maintain or revoke commitment] shall be
 485 held within ninety days of the filing of such motion. The court shall
 486 hold evidentiary hearings in connection with any contested motion for
 487 review of the permanency plan. [and to maintain or revoke
 488 commitment. The burden of proof shall be upon the commissioner to
 489 establish that the commitment should be maintained.] The
 490 commissioner shall have the burden of proving that the proposed
 491 permanency plan is in the best interests of the child or youth. After the
 492 initial permanency hearing, subsequent permanency hearings shall be
 493 held not less frequently than every twelve months while the child or
 494 youth remains in the custody of the Commissioner of Children and
 495 Families. The court shall provide notice to the child or youth, and the
 496 parent or guardian of such child or youth, of the time and place of the
 497 court hearing on any such motion not less than fourteen days prior to
 498 such hearing.

499 [(2) At a permanency hearing held in accordance with the
 500 provisions of subdivision (1) of this subsection, the court shall
 501 determine whether it is appropriate to continue to make reasonable
 502 efforts to reunify the child or youth with the parent, unless the court
 503 has previously determined that such efforts are not appropriate
 504 pursuant to this subdivision or section 17a-111b. In making this
 505 determination, the court shall consider the best interests of the child,
 506 including the child's need for permanency. If the court finds upon clear
 507 and convincing evidence that further efforts are not appropriate, the
 508 commissioner has no duty to make further efforts to reunify the child
 509 or youth with the parent. If the court finds that further efforts are
 510 appropriate, such efforts shall ensure that the child or youth's health
 511 and safety are protected and such efforts shall be specified by the
 512 court, including the services to be provided to the parent, what steps
 513 the parent may take to address the problem that prevents the child or
 514 youth from safely reuniting with the parent and a time period, not
 515 longer than six months, for such steps to be accomplished.]

516 [(3)] (2) At a permanency hearing held in accordance with the
 517 provisions of subdivision (1) of this subsection, the court shall approve
 518 a permanency plan that is in the best interests of the child or youth and
 519 takes into consideration the child's or youth's need for permanency.
 520 The child's or youth's health and safety shall be of paramount concern
 521 in formulating such plan. Such permanency plan may include the goal
 522 of (A) revocation of commitment and [placement] reunification of the
 523 child or youth with the parent or guardian, with or without protective
 524 supervision; (B) transfer of guardianship; (C) long-term foster care
 525 with a relative licensed as a foster parent or certified as a relative
 526 caregiver; (D) adoption and filing of termination of parental rights; or
 527 (E) such other planned permanent living arrangement ordered by the
 528 court, provided the Commissioner of Children and Families has
 529 documented a compelling reason why it would not be in the best
 530 interest of the child or youth for the permanency plan to include the
 531 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
 532 other planned permanent living arrangement may include, but not be
 533 limited to, placement of a child or youth in an independent living
 534 program or long term foster care with an identified foster parent.

535 [(4)] (3) At a permanency hearing held in accordance with the
 536 provisions of subdivision (1) of this subsection, the court shall review
 537 the status of the child, the progress being made to implement the
 538 permanency plan, determine a timetable for attaining the permanency
 539 plan, including the services to be provided to the parent if the court
 540 approves a permanency plan of reunification, and determine whether
 541 the commissioner has made reasonable efforts to achieve the
 542 permanency plan. [The court shall maintain commitment if it is in the
 543 best interests of the child or youth.] The court shall revoke
 544 commitment if a cause for commitment no longer exists and it is in the
 545 best interests of the child or youth.

546 [(5)] (4) If the court approves the permanency plan of adoption: (A)
 547 The Commissioner of Children and Families shall file a petition for
 548 termination of parental rights within sixty days after such approval, if

549 such petition has not previously been filed; (B) the commissioner may
 550 conduct a thorough adoption assessment and child-specific
 551 recruitment; and ~~[(B)]~~ (C) the court may order that the child be photo-
 552 listed within thirty days if the court determines that such photo-listing
 553 is in the best interest of the child. As used in this subdivision,
 554 "thorough adoption assessment" means conducting and documenting
 555 face-to-face interviews with the child, foster care providers [,] and
 556 other significant parties, and "child specific recruitment" means
 557 recruiting an adoptive placement targeted to meet the individual
 558 needs of the specific child, including, but not limited to, use of the
 559 media, use of photo-listing services and any other in-state or out-of-
 560 state resources that may be used to meet the specific needs of the child,
 561 unless there are extenuating circumstances that indicate that [these]
 562 such efforts are not in the best interest of the child.

563 (l) The Commissioner of Children and Families shall pay directly to
 564 the person or persons furnishing goods or services determined by said
 565 commissioner to be necessary for the care and maintenance of such
 566 child or youth the reasonable expense thereof, payment to be made at
 567 intervals determined by said commissioner; and the Comptroller shall
 568 draw his order on the Treasurer, from time to time, for such part of the
 569 appropriation for care of committed children or youth as may be
 570 needed in order to enable the commissioner to make such payments.
 571 Said commissioner shall include in his annual budget a sum estimated
 572 to be sufficient to carry out the provisions of this section.
 573 Notwithstanding that any such child or youth has income or estate, the
 574 commissioner may pay the cost of care and maintenance of such child
 575 or youth. The commissioner may bill to and collect from the person in
 576 charge of the estate of any child or youth aided under this chapter,
 577 including his decedent estate, or the payee of such child's or youth's
 578 income, the total amount expended for care of such child or youth or
 579 such portion thereof as any such estate or payee is able to reimburse.

580 (m) The commissioner, a parent or the child's attorney may file a
 581 motion to revoke a commitment, and, upon finding that cause for

582 commitment no longer exists, and that such revocation is in the best
583 [interest and welfare] interests of such child or youth, the court [may]
584 shall revoke the commitment of [any] such child or youth. No such
585 motion shall be filed more often than once every six months.

586 (n) Upon service on the parent, guardian or other person having
587 control of the child or youth of any order issued by the court pursuant
588 to the provisions of subsections (b) and (j) of this section, the child or
589 youth concerned shall be surrendered to the person serving the order
590 who shall forthwith deliver the child or youth to the person, agency,
591 department or institution awarded custody in such order. Upon
592 refusal of the parent, guardian or other person having control of the
593 child or youth to surrender the child or youth as provided in the order,
594 the court may cause a warrant to be issued charging the parent,
595 guardian or other person having control of the child or youth with
596 contempt of court. If the person arrested is found in contempt of court,
597 the court may order such person confined until he purges himself of
598 contempt, but for not more than six months, or may fine such person
599 not more than five hundred dollars, or both.

600 [(o) A foster parent shall have the right to be heard for the purposes
601 of this section in Superior Court in matters concerning the placement
602 or revocation of commitment of a foster child living with such parent.
603 A foster parent shall receive notice of any motion to revoke
604 commitment or any hearing on such motion. A foster parent who has
605 cared for a child or youth for not less than six months shall have the
606 right to be heard and comment on the best interests of such child or
607 youth in any matter under this section which is brought not more than
608 one year after the last day the foster parent provided such care.]

609 (o) A foster parent shall receive notice of and shall be given an
610 opportunity to be heard at any hearing on a motion for review of a
611 permanency plan, but shall not otherwise have standing to participate
612 as a party to the proceeding.

613 (p) Upon motion of any sibling of any child committed to the

614 Department of Children and Families pursuant to this section, such
615 sibling shall have the right to be heard concerning visitation with, and
616 placement of, any such child. In awarding any visitation or modifying
617 any placement, the court shall be guided by the best interests of all
618 siblings affected by such determination.

619 (q) The provisions of section 17a-152, regarding placement of a child
620 from another state, and section 17a-175, regarding the Interstate
621 Compact on the Placement of Children, shall apply to placements
622 pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	17a-91
Sec. 2	<i>October 1, 2005</i>	17a-110
Sec. 3	<i>October 1, 2005</i>	17a-111b
Sec. 4	<i>October 1, 2005</i>	17a-112(j)
Sec. 5	<i>October 1, 2005</i>	17a-112(o)
Sec. 6	<i>October 1, 2005</i>	46b-129

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JUD *Joint Favorable*